

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JENNIFER MAITRE, Individually and as Mother, Guardian and Next Friend of CHRISTIAN FRANCIS MAITRE, a Minor,]	
]	
Plaintiff,]	
]	
v.]	Civil Action No.: 1:05-cv-10442-JLT
]	
]	
ELI LILLY AND COMPANY,]	
]	
Defendant.]	

**JOINT MOTION TO REFER CASE TO
MAGISTRATE JUDGE MARIANNE B. BOWLER FOR MEDIATION**

COMES NOW the parties, through counsel, and jointly move this Court to enter an Order referring the above-captioned case to Magistrate Judge Marianne B. Bowler for mediation, and as grounds therefor states:

1. This is a products liability/personal injury case arising from Jennifer Maitre's in utero exposure to diethylstilbestrol ("DES") and the resultant preterm birth of the minor plaintiff.
2. Defendant Eli Lilly and Company's Motion for Summary Judgment was denied by this Court on August 9, 2006.
3. Magistrate Bowler has successfully mediated several DES cases pending in the District of Massachusetts.
4. The parties request that this matter be referred to Magistrate Bowler for Mediation. Counsel for both parties are available for said Mediation on August 29, 2006 or September 19, 20, 21, or 22, 2006.

WHEREFORE, the parties jointly request this Court enter an Order Referring the above-captioned case to Magistrate Bowler for Mediation.

Respectfully submitted,

TODD & WELD LLP

FOLEY HOAG LLP

/s/ Erica Tennyson
JULIET A. DAVISON, BBO#562289
ERICA TENNYSON, BBO#660707
28 State Street
Boston, MA 02109
617-720-2626
etennyson@toddweld.com

/s/ James J. Dillon
JAMES J. DILLON, BBO#124660
BRIAN L. HENNINGER, BBO#657926
155 Seaport Boulevard
Boston, MA 02210-2600
617-832-1000
jdillon@foleyhoag.com

and

Attorneys for Eli Lilly and Company

Aaron M. Levine, Esq.
AARON M. LEVINE & ASSOCIATES
1320 19th Street, N.W.
Suite 500
Washington, DC 20036
202-833-8040

Attorneys for Plaintiffs

Dated: August 15, 2006

CERTIFICATE OF SERVICE

I, Erica Tennyson, hereby certify that this Joint Motion to Refer Case to Magistrate Judge Marianne B. Bowler for Mediation, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 15, 2006.

/s/ Erica Tennyson
Erica Tennyson

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JENNIFER MAITRE, Individually and]
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] v.] Civil Action No.: 1:05-cv-10442-JLT
]]
] ELI LILLY AND COMPANY,]
] Defendant.]

[PROPOSED] ORDER

UPON CONSIDERATION of the Joint Motion to Refer Case to Magistrate Judge Marianne B. Bowler for Mediation, and for good cause shown, it is this _____ day of _____, 2006,

ORDERED that the Motion be and hereby is GRANTED;

AND IT IS FURTHER ORDERED that this matter is referred to Magistrate Judge Marianne B. Bowler for Mediation to be scheduled for August 29, 2006 or September 19, 20, 21, or 22, 2006.

JOSEPH L. TAURO
United State District Judge

Respectfully submitted,

TODD & WELD LLP

/s/ Erica Tennyson

JULIET A. DAVISON, BBO#562289
ERICA TENNYSON, BBO#660707
28 State Street
Boston, MA 02109
617-720-2626
etennyson@toddweld.com

and

Aaron M. Levine, Esq.
AARON M. LEVINE & ASSOCIATES
1320 19th Street, N.W.
Suite 500
Washington, DC 20036
202-833-8040

Attorneys for Plaintiffs

FOLEY HOAG LLP

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JAMES J. DILLON, BBO#124660
BRIAN L. HENNINGER, BBO#657926
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/s/ Erica Tennyson
Erica Tennyson